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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT TACOMA

9                   TOMAS GARCIA GUZMAN,

10                  Plaintiff,

11                  v.

12                  WARDEN NWDC, *et al.*,

13                  Defendants.

14  
15                  No. C09-5392 RJB/KLS

16                  ORDER TO SHOW CAUSE

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18                  This matter comes before the Court on Plaintiff's proposed civil rights complaint. Dkt. 1.  
19                  To file a complaint and initiate legal proceedings, a plaintiff must pay a filing fee of \$350.00 or  
20                  file a proper application to proceed *in forma pauperis*.

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22                  On June 29, 2009, Plaintiff filed his proposed civil rights complaint. Dkt. 1. On July 1,  
23                  2009, the Clerk sent a letter to Plaintiff advising him that he must either pay the full filing fee of  
24                  \$350.00 or submit an application to proceed *in forma pauperis* on or before July 31, 2009. Dkt.  
25                  2. Plaintiff has not responded to the Clerk's letter, paid the filing fee or submitted an application  
26                  to proceed *in forma pauperis*.

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28                  The court may permit indigent litigants to proceed *in forma pauperis* upon completion of  
29                  a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad

30  
31                  ORDER - 1

1 discretion in denying an application to proceed *in forma pauperis*. Weller v. Dickson, 314 F.2d  
2 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963).

3 In addition, Local Rule CR 3(b) provides in relevant part:

4 At the time application is made under 28 U.S.C. § 1915 or other applicable acts of  
5 Congress, for leave to commence any civil action or to file any petition or motion  
6 without being required to prepay fees and costs or give security for them, each  
7 petitioner, movant or plaintiff shall:

- 8 (1) Complete the *in forma pauperis* affidavit approved for use in this district; and  
9 (2) File a written consent that the recovery, if any, in the action, to such amount  
10 as the court may direct, shall be paid to the clerk who may pay therefrom all  
11 unpaid fees and costs taxed against the plaintiff, and to his attorney the amount  
12 which the court allows or approves as compensation for the attorney's services.

13 Accordingly, the Court orders the following:

14 (1) Plaintiff must pay the full \$350.00 court filing fee **or** file an application to  
15 proceed *in forma pauperis* (complete with a copy of the written consent required by Local Rule  
16 CR 3(b)), **on or before December 18, 2009**. Failure to do so by **December 18, 2009** shall be  
17 deemed a failure to properly prosecute this matter and the court will recommend dismissal of this  
matter.

18 (2) The Clerk is directed to send a copy of this Order to plaintiff.

19 DATED this 1st day of December, 2009.

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23 Karen L. Strombom  
24 United States Magistrate Judge  
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